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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/057,356
Title: LEG-ROPE CONSTRUCTION DEVICE
Inventor: Whitty, Brian
Filing Date: 01/25/2002

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

August 12, 2004

Dear Sir:

Enclosed please find the following:

1. Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 C.F.R. 1.137(a) – 20 pages total; and
2. Check in the amount of \$55.00. (The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to Deposit Account No. 18-1579. The Commissioner is also authorized to charge Deposit Account No. 18-1579 for any future fees connected in any way to this application. Two copies of this letter are enclosed.)

Respectfully submitted,

Christopher B. Kilner, Esq.
Registration No. 45,381
Roberts Abokhair & Mardula, LLC
11800 Sunrise Valley Drive, Suite 1000
Reston, VA 20191-5302
(703) 391-2900

August 12, 2004

Atty. Docket No. 2774-001



08-13-04

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PTO/SB/61 (11-03)

Approved for use through 07/31/2006. OMB 06519004

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)		Docket Number (Optional) 2774-001
 First Named Inventor: Brian Whitty Application Number: 10/057,356 Filed: 01/25/2002 Title: LEG-ROPE CONNECTION DEVICE Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9382. The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained. APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION. NOTE: A grantable petition requires the following items: (1) Petition fee. (2) Reply and/or issue fee. (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and (4) Adequate showing of the cause of unavoidable delay. 1. Petition fee <input checked="" type="checkbox"/> Small entity - fee \$ <u>55.00</u> (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27. <input type="checkbox"/> Other than small entity - fee \$ _____ (37 CFR 1.17(l)). 2. Reply and/or fee A. The reply and/or fee to the above-noted Office action in the form of <u>Office Action reply with Amendment and Remarks</u> (identify the type of reply): <input checked="" type="checkbox"/> has been filed previously on <u>April 6, 2004</u> <input type="checkbox"/> is enclosed herewith. B. The issue fee of \$ _____ <input type="checkbox"/> has been filed previously on _____ <input type="checkbox"/> is enclosed herewith.		

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

August 12, 2004
Date

Christopher B. Kilner
Signature

703-391-2900
Telephone Number

Christopher B. Kilner
Typed or printed name

45, 381
Registration Number, if applicable

11800 Sunrise Valley Drive, Suite 1000
Address

Reston, Virginia 20191
Address

- Enclosure ☒ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unavoidable delay
- ☒ Copy of Office Action reply with Amendment and Remarks; PTO return receipt confirmations

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

August 12, 2004
Date

Signature

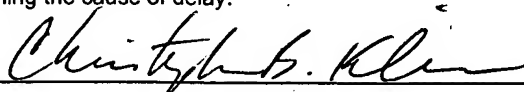
Christopher B. Kilner
Typed or printed name of person signing certificate

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

August 12, 2004

Date


Signature

45, 381

Registration Number, if applicable

Christopher B. Kilner

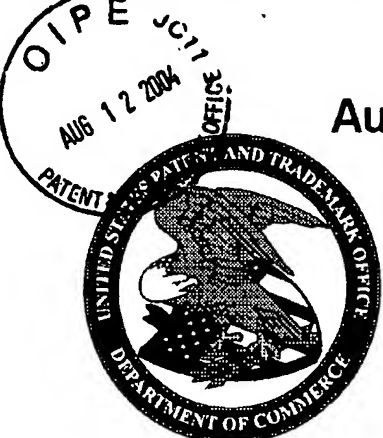
Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

The following is submitted in support of Applicant's Petition to Revive An Unavoidably Abandoned Application Under 37 C.F.R. §1.137(a):

1. An Office Action rejection was mailed January 6, 2004 and received by Applicant on January 7, 2004
2. Applicant responded to the above-mentioned Office Action by facsimile on April 6, 2004, as shown on the attached copy of the 15 page Office Action reply with Amendment and Remarks.
3. Applicant provides proof of the April 6, 2004 reply in the form of the attached copy of the PTO return receipt confirmation, indicating the receipt of Applicant's 15-page reply at 2:50:18 PM EDT on April 6, 2004; an earlier-attempted transmission was cancelled/terminated as indicated by the PTO return receipt confirmation at 2:40:42 PM EST on April 6, 2004, which indicated a 4-page transmission, also attached hereto.
4. A Notice of Abandonment for failure to file a proper reply to the Office Action mailed January 6, 2004, which further indicated that no reply was received, was mailed August 10, 2004 and received by Applicant on August 11, 2004.
5. This petition is being filed within one day receipt of the above-mentioned Notice of Abandonment.
6. This application became abandoned unavoidably.
7. To the extent that there was any delay, under 37 C.F.R. §1.137 (a), it is respectfully submitted that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unavoidable.
8. Please charge any additional fees required to Deposit Account No. 18-1579.

(Please attach additional sheets if additional space is needed.)



Auto-Reply Facsimile Transmission

TO: Fax Sender at 703 391 2901

Fax Information
Date Received: 4/6/2004 2:50:18 PM [Eastern Daylight Time]
Total Pages: 15 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

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FORM Fax:703-391-2901 Apr 6 2004 14:53 P.01

FILED BY FACSIMILE (703) 872-9306
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Brian Whitty

Serial No.: 10/057,356 Group Art Unit: 3677

Filed: 01/25/2002 Examiner: Brittain, J.

For: LEG-ROPE CONNECTION DEVICE

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed please find the following:

1. Reply to the Office Action mailed January 6, 2004;
2. A copy of the PCT/IB/332 form; and
3. Attorney Certification of non-withdrawal (co-pendency).

The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to Deposit Account No. 18-1579.

Respectfully submitted,

Christopher B. Kilner
Christopher B. Kilner
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April 6, 2004 1 Atty. Docket No. 2774-001

PAGE 115 * RCVD AT 4/6/2004 2:50:18 PM (Eastern Daylight Time) * SVR:USPTO-EPXCF-110 * DWS:2/28303 * CSD:703 391 2901 * JURATION (mm:ss):04:32

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**FILED BY FACSIMILE (703) 872-9306
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of Brian Whitty

Serial No.: 10/057,356

Group Art Unit: 3677

Filed: 01/25/2002

Examiner: Brittain, J.

For: **LEG-ROPE CONNECTION DEVICE**

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed please find the following:

1. Reply to the Office Action mailed January 6, 2004;
2. A copy of the PCT/IB/332 form; and
3. Attorney Certification of non-withdrawal (co-pendency).

The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to Deposit Account No. 18-1579.

Respectfully submitted,

Christopher B. Kilner

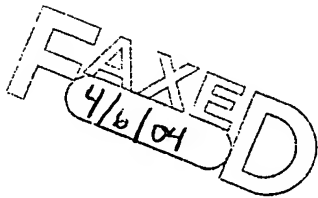
Registration No. 45,381

Roberts Abokhair & Mardula, LLC

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Reston, Virginia 20191-5302

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Brian Whitty

Serial No.: 10/057,356

Group Art Unit: 3677

Filed: 01/25/2002

Examiner: Brittain, J.

For: **LEG-ROPE CONNECTION DEVICE**

* * * * *

REPLY UNDER 37 C.F.R. 1.111

* * * * *

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed January 6, 2004, Applicant respectfully requests entry of the following amendment and reconsideration based on the remarks filed herewith.

Amendments to the Claims begin on page 2;

Remarks begin on page 7.

AMENDMENT

In the Claims:

Please amend the claims as follows:

1. (Currently amended) A leg-rope connection device for connecting two portions of broken leg-rope, including a ~~rigid polymeric~~ housing which encloses an end part of each of the two portions of broken leg-rope, and at least one clamping member operatively associated with the housing, the at least one clamping member being movable between a first position to enable positioning of broken leg-rope within the housing and a second position sufficiently close to the housing for compressive clamping of at least one of the two portions of broken leg-rope between said at least one clamping member and said housing, whereby said at least one clamping member associates with a first portion of broken leg-rope and at least one clamping member associates with a second portion of broken leg-rope in a manner such that each end part of the first and second portions of broken leg-rope are retained within the housing when subjected to typical forces applied to a leg-rope when in use, and wherein the device is additionally provided with at least one tool member of use to a surfer attached to the at least one clamping member.
2. (Previously amended) A leg-rope connection device as claimed in claim 1, wherein said at least one clamping member comprises two clamping members.
3. (Previously amended) A leg-rope connection device as claimed in claim 1, wherein said at least one clamping member is rotatable with respect to the housing.
4. (Currently amended) A leg-rope connection device as claimed in claim ~~3~~ 1, wherein the housing is manufactured from a rigid polymeric material ~~device is additionally provided with at least one tool member incorporated with the at least one clamping member.~~
5. (Currently amended) A leg-rope connection device for connecting two portions of broken leg-rope, including:

a leg-rope guide integrally formed within a housing;

a first arm member operatively associated with the housing, said first arm member able to be rotated about a first hinge located at a first distal end of the housing;

a second arm member operatively associated with the housing, said second arm member able to be rotated about a second hinge located at a second distal end of the housing;

first clamping means associated with the first arm member for retaining an end part of a first portion of broken leg-rope within the housing when the first arm member is rotated to cause the first clamping means to compress the first portion of broken leg-rope; ~~and~~

second clamping means associated with the second arm member for retaining an end part of a second portion of broken leg-rope within the housing when the second ~~first~~ arm member is rotated to cause the second clamping means to compress the second portion of broken leg-rope; and

a first tool member of use to a surfer attached to the first arm member.

6. (Currently amended) A leg-rope connection device as claimed in claim 5, further including a second tool member attached to the second arm member ~~wherein the leg-rope guide is substantially semi-circular in cross-section.~~

7. (Previously amended) A leg-rope connection device as claimed in claim 5, wherein the first clamping means are integrally formed as part of the first arm member and the second clamping means are integrally formed as part of the second arm member.

8. (Previously amended) A leg-rope connection device as claimed in claim 5, wherein the first clamping means and the second clamping means are at least partly contained on the internal surface of the leg-rope guide.

9. (Previously amended) A leg-rope connection device as claimed in claim 5, wherein the first arm member and the second arm member are identical.

10. (Previously amended) A leg-rope connection device as claimed in claim 5, wherein

the first and second clamping means include a member selected from the group consisting of cleat, hump, tenon, lip, protrusion, sawtooth, wedge, angled surface, incline, pin, tapered member, spike, and serration which acts to compress the leg-rope when an arm member is closed.

11. (Currently amended) A leg-rope connection device as claimed in claims 5, wherein an exterior of the leg-rope connection device is shaped to reduce frictional drag while moving through water.

12. (Currently amended) A leg-rope connection device as claimed in claim 5, wherein the first hinge and the second hinge are mechanisms selected from the group consisting of pin and hole mechanisms and protrusion and recess mechanisms.

13. (Currently amended) A leg-rope connection device as claimed in claim ~~6~~ 5, wherein ~~the first arm member includes a first tool member and the second tool member are adjacent each other when the first and second arm members are in closed positions.~~

14. (Currently amended) A leg-rope connection device as claimed in claim ~~6~~ 13, wherein the first tool member and the second tool member are within the length of the housing when the first and second arm members are in closed positions ~~second arm member includes a second tool member.~~

15. (Currently amended) A leg-rope connection device as claimed in claim ~~5~~ 14, wherein ~~either of the tool members is interchangeable with an alternate tool member~~ of use to a surfer.

16. (Currently amended) A leg-rope connection device as claimed in claim ~~5~~ 14, wherein the tool member is selected from the group consisting of a screwdriver, an alan-key, and a blade.

17. (Previously amended) A leg-rope connection device as claimed claim 5, wherein at least part of the device is manufactured from a rigid polymeric material.

18. (Previously amended) A leg-rope connection device as claimed in claim 5, wherein the device is provided with a portion of surface that is selected from the group consisting of a textured, roughened, toothed, jagged, and serrated surface.

19. (Withdrawn - Previously amended) A method of repairing a broken leg-rope, including the steps of:

providing a leg-rope connection device;

inserting a first portion of the broken leg-rope into a first end of the leg-rope connection device;

inserting a second portion of the broken leg-rope into a second end of the leg-rope connection device;

closing a first clamping member operatively associated with a housing of the leg-rope connection device by hand, whereby said first clamping member associates with the first portion of the broken leg-rope in a manner such that said first portion of the broken leg-rope is retained within the housing; and

closing a second clamping member operatively associated with the housing of the leg-rope connection device by hand, whereby said second clamping member associates with the second portion of the broken leg-rope in a manner such that said second portion of the broken leg-rope is retained within the housing.

20. (Canceled)

21. (Canceled)

22. (Previously added) The leg-rope connection device as claimed in claim 1, further comprising at least part of an interior surface of the housing being textured.

23. (Previously added) The leg-rope connection device as claimed in claim 1, further comprising an exterior of the leg-rope connection device being shaped to reduce frictional drag while moving through water.

24. (New) The leg-rope connection device as claimed in claim 5, wherein the tool member is attached to the arm member by threaded engagement.

25. (New) The leg-rope connection device as claimed in claim 5, wherein the tool member is provided for use on a surfboard fin retention device.

REMARKS

Claims 1-19 and 22-25 are in the application, with claim 19 being withdrawn from consideration. The claims have been amended to clarify the invention. No new matter has been added.

Support for the amendment to claim 1 incorporating a tool member of use to a surfer is found in previous dependent claim 4 and at page 10, lines 6-9 of the specification. Support for removal of the "rigid polymeric" limitation to the housing can be found at page 10, lines 22-25. Amendment of clamping of "two portions" to "at least one of the two portions" is for clarification. Regarding claim 4, support for the housing being a rigid polymeric material is found at page 10, line 24.

Regarding claim 5, support for this amendment is found by reference to previous claim 13 and page 10, lines 6-9 of the specification. Amendment of "first arm" to "second arm" is a clarification. Regarding claim 6, support for this amendment is found by reference to previous claim 14. Regarding claim 11, the amendment is a minor clarity amendment. Support for the amendment to claim 13 is found by reference to the arrangement of tool members 17 and 18 illustrated in Fig. 1. Regarding claim 14, support for this amendment is found in the arrangement of tool members 17 and 18 illustrated in Fig. 1 and by reference to page 9, lines 24-25. Regarding claim 15, support is found at page 9, lines 6-9 and 27-30. Support for new claim 24 is found by reference to page 10, lines 1-3. Support for new claim 25 is found by reference to page 10, lines 19-20.

Priority

The Examiner stated that the priority claim has not been perfected because Applicant has allegedly failed to show copendency with the PCT application. Attached hereto are a certification that neither the international application nor the designation of the U.S. was withdrawn prior to the filing date of the U.S. National stage application. Additionally, a copy of the PCT/IB/332 form is attached hereto to show copendency.

The PCT/IPEA/402 was not in the files of either the U.S. counsel or the Australian counsel, but a copy can be requested from the Australian IPEA if required.

Claim Rejections - 35 USC 103

Claims 1-3 and 22 were rejected as being obvious over Davies in view of Westercamp. By the present amendment, the independent claim has been amended to include the limitations of prior claim 4, such that this ground of rejection is moot.

Claim 4 was rejected as being obvious over Davies in view of Westercamp as applied to claim 1 and further in view of Hoover. Because claim 1 has been amended to include the limitations of prior claim 4, this ground of rejection is now pertinent to claims 1-4 and 22. Note also that the limitation to “rigid polymeric material” that was deleted from claim 1 is presently claimed in claim 4, making the Westercamp reference pertinent to this claim only.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (See M.P.E.P. Section 2143).

No Motivation to Combine

In the present case, at least two of these criteria have not been met in the Office Action. First, there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify Davies or combine it with Hoover to provide at least one tool member attached to the at least one clamping member.

Davies discloses an apparatus for connecting lengths of urethane cord for leg rope repair. The retention mechanism relies on a pair of cam wheels mounted on axles that engage and release a clamping force on a portion of urethane rope based upon pulling on different ends of the urethane rope (i.e., end A to tighten, end B to release). Davies nowhere teaches or fairly suggests the addition or combination of a tool member and, as a whole, *teaches away* from the use of a clamping means that utilizes leverage gained by a handle or arm.

Hoover teaches the use of a lever 26 for operation of a cable clamp that can further employ a removable handle (“T-shaped key 80”) that fits into a socket 64 on the lever unit 60 “which is used to open and close the cam” (see column 1, lines 69-70). The design allows use of a relatively short lever. Hoover fails to teach or fairly suggest either the addition or combination

of a tool member to a clamping device, merely the use of a removable lever. The T-shaped key is not a “tool member” given its broadest reasonable interpretation *consistent with the specification* as required by M.P.E.P. 2111. The tool members discussed in the specification are items that have *utility to a surfer*, i.e., utility beyond use as leverage, such as screwdrivers, blades and hex-head drivers (i.e., “alan-keys”) that can be used for attaching/detaching surfboard fins, leg-rope assemblies, etc. In view of this, any interpretation of the key 80, which acts only as a lever, as a “tool member” is inconsistent with the present specification.

Furthermore, the prior “tool member” limitation of claim 4 have been further clarified by the addition of the limitation “of use to a surfer” in the presently amended claim 1. As discussed in the specification, particularly in the second paragraph of page 10, the tool member has a separate utility to a surfer beyond use as leverage on the leg-rope connection device. This teaching is completely lacking in Hoover.

It is further submitted that one of ordinary skill in the art would not have any reason to combine the disclosures of Davies and Hoover. The apparatus of Davies is clearly drawn to urethane-type cords that can provide tension, but insufficient compression to release the cams. A primary teaching is the use of the cords’ tension to both engage and release the opposing cams. This clamping technique eschews the use of levers, but requires the use of at least two opposing clamps. Indeed, it provides little beyond the more than 100 year old prior art clothes line fastener of Velie (U.S. Pat. No. 593,256) except for the application of such a device in the surfing environment. The presently claimed invention is an improvement over this prior art since, for example, it allows for decreased drag due to the better hydrodynamics (Davies and Velie require a sufficient length of the cord ends to protrude to allow release of the cams) and adds the utility of at least one tool member of use to a surfer.

Hoover, as explained in col. 3, lines 31-34, is drawn to the application of a clamp in the field of cable clamps for use in boating/sailing, wherein the cable is looped back and clamped upon itself to form a loop. This has little or no application to a leg-rope repair device used by surfers since the compressible/hollow urethane cord used by surfers is not particularly suitable for clamping against itself.

Since Davies teaches against use of a handle and Hoover merely teaches the use of a removable handle, it is clear that neither reference teaches or fairly suggests providing a tool member of use to a surfer to a clamping member.

All Claim Limitations Not Shown

As discussed above, Davies fails to disclose a tool member or any arm members associated with the clamping means. Although Hoover arguably discloses use of a removable lever in conjunction with a cable repair clamp, it utterly fails to teach or fairly suggest any application to use with leg-ropes or the use of a “tool member of use to a surfer.”

Indeed, it is the Applicant’s position that the present invention, as claimed in independent claim 1, requires that a tool member of use to a surfer be attached to a clamping member, or alternatively an arm member. The claimed tool member has some utility or function other than merely assisting the clamping member or arm member to close by providing additional leverage as is the case in Hoover. Hoover discloses only a T-shaped key 80 that is temporarily placed in non-circular socket 64 of lever unit 60 to assist in closure of the lever unit 60. Once closed, the T-shaped key 80 is removed from socket 64. The T-shaped key 80 serves no other purpose and cannot be properly construed as a “tool member” under MPEP 2111. Indeed, the T-shaped key 80 of Hoover is neither “attached to” the lever unit 60 nor is it a “tool” in the sense this term is used in the claims of the present application.

None of the additionally applied prior art to Westercamp or Feyas provides for the elements missing from the base rejection, and thus cannot be combined with Davies or Hoover to correct the above-cited deficiencies.

In view of the above arguments, Applicant respectfully submits that independent claim 1, as well as claims 2-4 and 22-23 that depend therefrom, are novel and non-obvious over the cited prior art.

Claims 5, 7-10, and 18 were rejected as being obvious over Davies in view of Ketteman. Because the limitations of prior claim 13 have been incorporated into claim 5, this ground of rejection is moot.

However, claims 13-16 were rejected over Davies and Ketteman in view of Hoover, such that this is now the rejection most applicable to the presently amended claims. Additionally, the rejections of claims 6 and 11-12 now must depend on one of the above-mentioned combination of Davies and Ketteman in view of Hoover.

However, Applicant submits that this combination fails to make a *prima facie* case of obviousness.

No Motivation to Combine

As discussed above, Davies discloses an apparatus for connecting lengths of urethane cord for leg rope repair. The retention mechanism relies on a pair of cam wheels mounted on axles that engage and release a clamping force on a portion of urethane rope based upon pulling on different ends of the urethane rope (i.e., end A to tighten, end B to release). Davies nowhere teaches or fairly suggests the addition or combination of a tool member and, as a whole, *teaches away* from the use of a clamping means that utilizes leverage gained by a handle or arm.

Ketteman discloses a trolley-cable repair clamp that has cam-action clamps operated by arms B and C that do not pivot from the ends of the housing A. It has nothing to do with leg-rope repair. Likewise, it fails to teach or suggest any additional function for the lever arms B and C. As a whole, it inherently teaches away from clamps without lever arms, as found in Davies.

Hoover, likewise, inherently teaches away from clamps without lever arms, as found in Davies, and rather suggests the use of levers or short levers with removable lever arms. As discussed above, Hoover fails to teach or fairly suggest the provision of a “tool member of use to a surfer” on an arm member of the clamping mechanism, as reasonably interpreted consistent with the specification.

Furthermore, the prior “tool member” limitation of claim 13 have been further clarified by the addition of the limitation “of use to a surfer” in the presently amended claim 5. As discussed in the specification, particularly in the second paragraph of page 10, the tool member has a separate utility to a surfer beyond use as leverage on the leg-rope connection device. This teaching is completely lacking in Hoover.

All Claim Limitations Not Shown

Neither Davies nor Ketteman nor Hoover disclose a tool member of use to a surfer on an arm member of a clamp.

Furthermore, none of the additional cited prior art to Leslie, Feyas, or Westerkamp correct the above-mentioned deficiencies in Davies, Ketteman, and Hoover.

In view of the above arguments, Applicant respectfully submits that claims 5-18 and 24-25 are novel and non-obvious over the cited prior art.

Conclusion

For the reasons cited above, Applicants submit that claims 1-18 and 22-25 are in condition for allowance and requests reconsideration of the application. If there remain any issues that may be disposed of via a telephonic interview, the Examiner is kindly invited to contact the undersigned at the local exchange given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Christopher B. Kilner". The signature is fluid and cursive, with a large initial "C" and a stylized "K".

Christopher B. Kilner

Registration No. 45,381

Roberts Abokhair & Mardula, LLC

11800 Sunrise Valley Drive, Suite 1000

Reston, Virginia 20191-5302

(703) 391-2900



PATENT COOPERATION TREATY

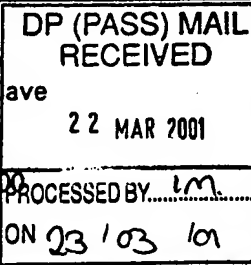
PCT



From the INTERNATIONAL BUREAU

To:

COWLE, Anthony
Davies Collison Cave
Level 10
10 Barrack Street
Sydney, NSW 2000
AUSTRALIE

INFORMATION CONCERNING ELECTED
OFFICES NOTIFIED OF THEIR ELECTION

(PCT Rule 61.3)

Date of mailing (day/month/year) 08 March 2001 (08.03.01)		
Applicant's or agent's file reference 7510640/CJC		IMPORTANT INFORMATION
International application No. PCT/AU00/00893 ✓	International filing date (day/month/year) 26 July 2000 (26.07.00) ✓	Priority date (day/month/year) 26 July 1999 (26.07.99) ✓
Applicant WHITTY, Brian		

1. The applicant is hereby informed that the International Bureau has, according to Article 31(7), notified each of the following Offices of its election:

✓ AP : GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZW
 ✓ EP : AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE
 ✓ National : AU, BG, CA, CN, CZ, DE, IL, JP, KP, KR, MN, NO, NZ, PL, RO, RU, SE, SK, US

2. The following Offices have waived the requirement for the notification of their election; the notification will be sent to them by the International Bureau only upon their request:

✓ EA : AM, AZ, BY, KG, KZ, MD, RU, TJ, TM
 ✓ OA : BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG
 ✓ National : AE, AG, AL, AM, AT, AZ, BA, BB, BR, BY, BZ, CH, CR, CU, DK, DM, DZ, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IN, IS, KE, KG, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MW, MX, MZ, PT, SD, SG, SI, SL, TJ, TM, TR, TT, TZ, UA, UG, UZ, VN, YU, ZA, ZW

3. The applicant is reminded that he must enter the "national phase" before the expiration of 30 months from the priority date before each of the Offices listed above. This must be done by paying the national fee(s) and furnishing, if prescribed, a translation of the international application (Article 39(1)(a)), as well as, where applicable, by furnishing a translation of any annexes of the international preliminary examination report (Article 36(3)(b) and Rule 74.1).

Some offices have fixed time limits expiring later than the above-mentioned time limit. For detailed information about the applicable time limits and the acts to be performed upon entry into the national phase before a particular Office, see Volume II of the PCT Applicant's Guide.

The entry into the European regional phase is postponed until 31 months from the priority date for all States designated for the purposes of obtaining a European patent.

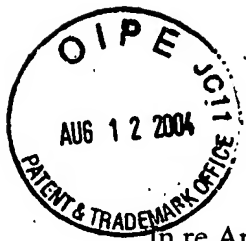
The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer:

Claudio Borton

Facsimile No. (41-22) 740.14.35

Telephone No. (41-22) 338.83.38



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Brian Whitty

Serial No.: 10/057,356

Group Art Unit: 3677

Filed: 01/25/2002

Examiner: Brittain, J.

For: **LEG-ROPE CONNECTION DEVICE**

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

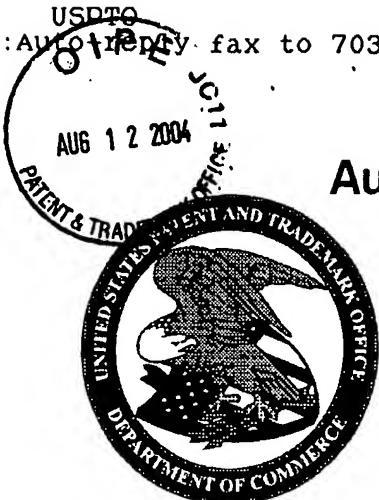
ATTORNEY CERTIFICATION

Dear Sir:

I hereby certify, upon information and belief, that neither the international application number PCT/AU00/00893, nor the designation of the U.S. in said application, was withdrawn prior to the filing date of the U.S. National stage application such that the above-referenced U.S. application serial number 10/057,356 was co-pending with international application number PCT/AU00/00893.

Respectfully submitted,

Christopher B. Kilner
Registration No. 45,381
Roberts Abokhair & Mardula, LLC
11800 Sunrise Valley Drive, Suite 1000
Reston, Virginia 20191-5302
(703) 391-2900



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Brian Whitty

Serial No.: 10/057,356

Group Art Unit: 3677

Filed: 01/25/2002

Examiner: Brittain, J.

For: LEG-ROPE CONNECTION DEVICE

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed please find the following:

1. Reply to the Office Action mailed January 6, 2004;
2. A copy of the PCT/IB/332 form; and
3. Attorney Certification of non-withdrawal (co-pendency).

The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to Deposit Account No. 18-1579.

Respectfully submitted,

Christopher B. Kilner
Christopher B. Kilner
Registration No. 45,381
Roberts Abokhair & Mardula, LLC
11800 Sunrise Valley Drive, Suite 1000
Reston, Virginia 20191-5302
(703) 391-2900

April 6, 2004

Atty. Docket No. 2744-001

PAGE 1/4 * RCVD AT 4/6/2004 2:40:42 PM [Eastern Daylight Time] * SVR:USPTO-EFAXF-1/1 * DNS:2728306 * CSID:7033912901 * DURATION (min-sec):01-14

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